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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,138	12/16/1998	GEORGE A. LOPEZ	ICUMM.110A	7376

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT PAPER NUMBER

2164

DATE MAILED: 04/02/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/213,138

Applicant(s)

LOPEZ ET AL.

Examiner

Steven R. Wasylchak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/16/98
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. In view of the appeal brief filed on Jan. 9, 2002, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are new prior art consisting of Arnold et al set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-16 rejected under 35 U.S.C. 102(e) as being anticipated by Arnold et al (US 6,016,504).

CL 1,

A system for browsing products using competitor information, the system comprising:

-a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium; / fig 1A,B; claim 2, 27
-a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium; and / abstract; fig 1A,B; col 7, L 40-66

-a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer, said product information server running on a computer operably connected to said computer readable medium. / abstract; fig 1A,B; col 7, L 40-66

CL 2,

The system as described in Claim 1, wherein said product database includes data representing an association between a manufacturer and said second data, said system further comprising:

-a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second

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electronic store page, said second dynamic page file stored on said computer readable medium. /

abstract; fig 1A,B; fig 2,24; col 4, L 1-32; col 7, L 40-66

CL 3,

The system as described in Claim 2, wherein said product information server responds to a customer request for said second electronic store page by accessing said second dynamic page file, by processing said second instructions, and by providing said second electronic store page to said customer. / fig 1A,B; fig 2,24; col 4, L 1-32

CL 4,

The system as described in Claim 1 further comprising:

-an electronic store page having a hyperlink responsive to a customer selection of said hyperlink to generate said request. / col 4, L 1-32

CL 5,

The system as described in Claim 4 further comprising:

-a customer browser which transmits said second data to said page sever upon said selection of said hyperlink / fig 1A,B; fig 2,24

CL 6,

The system as described in Claim 5, wherein said product database includes product cost information related to said product, further comprising:

-a cost savings form on said electronic store page, said cost savings form receiving competing cost information about said competing product, said customer browser transmitting said cost information to said page server; and / fig 1A,B; col 6, L 35-49

-second instructions in said dynamic page file for comparing said competing cost information and said product cost information to calculate cost savings information, said product information server providing said savings information to said customer. / fig 1A,B; col 4, L 1-32; col 6, L 35-49

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CL 7,

A method for locating information about a product using information about a corresponding product, said method comprising the steps of

- transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file; / fig 24; col 5, L 24-66
- receiving with said customer browser said corresponding product hyperlink; / fig 24; col 4, L 1-32
- displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink; and / fig 2, 24
- responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier / fig 24; col 5, L 24-66

CL 8,

The method as described in Claim 7, comprising the further steps of

- receiving with said page server said request for said corresponding product page file and said identifier; / fig 1A,B; fig 24; col 5, L 24-66
- processing instructions in said page file to use said identifier to obtain data representing a corresponding product; and / fig 24; col 6, L 50-64
- transmitting with said page server to a customer browser said data representing said corresponding product. / fig 1A,1B

CL 9,

The method as described in Claim 8, comprising the further steps of

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-transmitting with said page server at least one manufacturer hyperlink to a customer browser, said at least one manufacturer hyperlink operatively associated with a manufacturer identifier representing a manufacturer and operatively associated with a second page file identifier representing a manufacturer product list page file; / fig 24; col 6, L 50-64; col 7, 20-29

-receiving with said customer browser said manufacturer hyperlink: / fig 1A,B; col 7, L 20-29

-displaying with said customer browser second information identifying said manufacturer, a portion of said displayed second information selectable to activate said manufacturer hyperlink; and / fig 1A,B; col 7, L 20-29

-responding to a selection of said portion of said second information by transmitting to said page server a request for said manufacturer product list page file and by transmitting to said page server said manufacturer identifier / fig 24; col 6, L 50-64; col 7, 20-29

CL 10,

The method as described in Claim 9, comprising the further steps of

-receiving with said page server said request for said manufacturer product list page file and said manufacturer identifier; / fig 1A,B; fig 24; col 6, L 50-64; col 7, 20-29

-processing second instructions in said manufacturer product list page file to use said manufacturer identifier to obtain data representing products of said manufacturer; and / fig 24; col 6, L 50-64; col 7, 20-29

-transmitting with said page server to a customer browser said data representing said products of said manufacturer. / fig 1A,B; fig 2, fig 24; col 6, L 50-64; col 7, 20-29

CL 11,

An e-store dynamic page file comprising:

static content including content identification tags which may be interpreted to format said content; / script components including:

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-connection instructions to establish a connection to a product database; / col 7, L 30-66

-query instructions to query said product database using a search key provided to said query instructions as a parameter, and to thereby obtain a recordset including at least one record, each of said at least one records including information about competing products; and / col 7, L 30-66

-hyperlink creation instructions to create a hyperlink for each of said at least one records, each hyperlink referencing a corresponding product page file for transmitting information about a corresponding product, each hyperlink including an identifier representing a corresponding product. / fig 1A,B; col 7, L 20-29; col 7, L 30-66

CL 12,

The e-store dynamic page file as described in Claim 11 further comprising:

-a cost savings form including at least one text entry field for accepting competing cost information related to the cost of said competing products and including a cost savings hyperlink, the cost savings hyperlink referencing a corresponding product page file for transmitting information about a difference in cost between said products and said competing products, the cost savings hyperlink including an identifier representing a corresponding product and at least one cost identifier representing said competing cost information. / fig 1A,B; col 7, L 20-66

CL 13,

The e-store dynamic page file as described in Claim 12 wherein said script components further include:

-form placement instructions for generating said cost savings form once for each of said at least one records. / col 6, L 35-49

CL 14,

A system for locating information about products, said system comprising:

-associating means for storing an association between a product and a corresponding

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product; / col 7, L 30-66

-requesting means responsive to an identification of said product to request information

about said corresponding product; / abstract; fig 2

-query means for using said identification of said product to access said associating

means and to thereby obtain said information about said corresponding product; / abstract; fig 1A,B

-information assembly means responsive to said request to invoke said query means

and to format said information about said corresponding product; and / abstract; fig 1A,B

-transmitting means for presenting to a customer said formatted

information about said corresponding product. / col 7, L 60 to col 8, L 6

CL 15,

A product browsing system comprising:

-a server computer having a network connection; / fig 1A; col 5, L 24-40

-a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said product and said competing product, said product database residing on a computer readable medium of the server computer; and / fig 1A,B; col 7, L 20-66

-a dynamic page file for generating and electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said electronic store page transmitted via said network connection. / col 7, L 20-66

CL 16,

A method for retrieving information about a product using information about another product, said method comprising:

-a step for storing information on a first set of products; / fig 1B; col 7, L 20-66

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- a step for storing information on a second set of products; / fig 1B; col 7, L 20-66
- a step for storing an association between the first set of products and the second set of products said association representing product equivalency/ fig 1B; col 7, L 20-66
- a step for establishing communication between a client computer and a server computer; / fig 1A
- a step for transmitting a product identifier from the first set of products to the server computer; and/ fig 1A,B; col 7, L 20-66
- a step for receiving a competing product identifier from the second set of products./ fig 1A,B; col 7, L 20-66

This action is Non-Final. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 2164 is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Steven Wasylchak



3/23/02



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